

MOVED by Vic Lessard and seconded by Mr. McGuirk to grant Petition 38-12, adding that the second floor be listed as living space. Mr. St. Pierre said the Board should go according to the footprint. He doesn't care if the deck goes to the front, but it should stay within the footprint. It should be built in the footprint.

Chairman O'Brien asked the Board if they felt all five criteria had been met. All members agreed that they had.

It was also noted by the Board that the Footnote for 4.5 should be added in there. It needs to be advertised. Mr. O'Brien stated that 4.5 needs to be added also as a condition and it wasn't noticed that way. He asked if the Board can allow them to postpone this application until next month so the advertisement can be corrected and the Board asked the applicants to correct the drawings to make them accurate. This application would be second on the agenda. The mailing will be charged—the abutter notification fees. It's just being postponed so the mailing needs to add 4.5. Mr. O'Brien said they need a waiver on the side setback. He asked the applicants to come back next month with the correct plot plans showing exactly what the deck size will be. Reference to any storage will be removed.

Mr. Schultz thinks they should re-file. The applicants are getting rid of the rear setback as it does not need to be there. It needs to be advertised, the abutters noticed and new drawings. It's a new package.

The applicants were asked to withdraw without prejudice and applicants agreed.

Mr. V. Lessard withdrew the first motion and Mr. McGuirk withdrew his second on that Motion.

MOVED by Mr. V. Lessard to withdraw the application without prejudice and seconded by Mr. St. Pierre.

VOTE: 5 - 0 - 0

Motion passed unanimously

39-12 The petition of Maureen A. Wallace, Trustee of Maureen Ann Wallace Revocable Trust of 2011 for property located at 757 Ocean Boulevard seeking relief from Article 1.3 and Article IV, Section 4.5.1 – front setback; Article VIII, Sec. 8.2.3.to expand and extend existing deck on front of home and to add stairs to access the deck. This property is located on Map 210, Lot 50 and in a RA Zone.

Attorney Stephen Ells appeared with Ms. Wallace. It is currently improved. There are three dwelling units on the lot. Ms. Wallace lives in the front unit and the other units are rented. In the course of doing renovation, the stairway to the sliding glass door was not in compliance with building codes so the stairs had to be removed. They weren't to code. She currently has a partial deck with no access to it. She wants to expand the existing deck by about a foot and add a three foot wide deck, and add stairs accessing the deck at the northerly end. She parks along 4th Street and has to carry groceries and enter on the south of the property. In the package there is a photograph of the “before” and then a current picture. Adding a deck 3' in width and a set of stairs at the northerly end was discussed. She could then enter through sliding glass door.

Attorney Ells read the criteria and stated he believes all criteria have been met.

Ms. Wallace spoke with immediate abutters and they were in favor of relief. Mr. Ells submitted letters that all three abutters signed stating that all had no objections.

MOVED by Mr. Vic Lessard to put letters in the file.

Questions from the Board

Mr. St. Pierre asked who owns the sidewalks. He said it appears the sidewalk is part of the property. He's questioning the property lines. The property is on the westerly side of the sidewalk. Mr. Schultz stated the pins are right behind the sidewalk. Mr. St. Pierre asked about the deck wrapping around. Mr. Ells said they could, but they are asking for what is presented. Ms. Wallace does not want to do this at this point in time. She reiterated her hardship of walking around at night or if there's rain, etc. Mr. St. Pierre asked about the underneath unit. He asked about egress.

Mr. O'Brien asked about the deck to the South—the new deck (it's already constructed). It was asked if she got a variance. Ms. Wallace spoke with Mr. Schultz about this. She made an improvement. She cut off a foot. She wants the deck in the front of the house to be extended by one foot. Mr. Schultz said it was an existing deck and in bad condition. Building code allows them to rebuild in the exact same footprint. Ms. Wallace made it more conforming, but built stairs a bit wider and little shallower so they were safe. Mr. O'Brien said a wrap-around would not work out because of side setbacks.

Comments from the Audience

None.

Back to the Board

MOVED by Mr. Vic Lessard and seconded by Mr. Jack Lessard to grant Petition 39-12.

Chairman O'Brien asked the Board if they felt all five criteria had been met. All members agreed that they had.

VOTE: 5 – 0 – 0

Motion passed unanimously

40-12 The petition of David Sanderson, Successor Trustee of the 20 Keefe Avenue Realty Trust through Donik Corp. for property located at 20 Keefe Avenue seeking relief from 2.3.7C-a 2, 4.1.1, 4.2, 4.5.1, 4.5.2, 8.2.2, 8.2.3, 8.2.4 and 8.2.6 to construct eight 2-bedroom bungalows, four on the south side of the lot, and four on the north side, approximately in line with existing cottages on Manchester Avenue and Mooring Drive. This property is located on Map 290, Lot 068, and in a RB Zone.

Mr. McGuirk stepped down.

Attorney Peter Saari appeared with Joe Coronati of Jones & Beach. Two principals of the business were in the audience. Mr. O'Brien asked if the plan that was handed out is exact to what is in the file and it was stated "yes". The applicant is proposing a bungalow unit at this time. The applicant wants 8 units to line up. Four on the south side will line up with the cottages on Manchester Street. Density is the same. This would fit and be in style with the existing neighborhood. Variances are pretty similar to the last time. Wetlands are on

the site. The State and Town and Planning Board will be involved. Keefe Avenue was discussed. It is not in good repair and collects water. This is not a public street. 100 feet of frontage is present. Setbacks are similar to surrounding properties. Keeping density the same was discussed. Some abutters have had problems with the current use. The area is zoned multi-family but you can't build a multi-family without variances.

Mr. Coronati discussed 8 single family condominiums. The units are roughly 600 square feet; two-bedroom units with screened porches (4 season) on front. Two units in the back have a different floor plan. Parking (2 spaces for each unit) will be provided and turnaround for fire trucks was shown. Each unit has its own patio. There will be Town water and sewage, with everything being brought in by Keefe Avenue. Puddling issues should be improved upon with this application. A full design has not been started yet. One lot is gravel, but driven on a lot so is like pavement now. Puddling happens because of this. A stormwater design will be prepared.

Questions from the Board

Mr. Vic Lessard likes the new plan better than first plan.

Mr. St. Pierre asked about the previous plan which was approved by the Board. He asked if it went through the Conservation Commission. The first plan never made it to the Conservation Commission or the Planning Board. They only went to the Shoreland Protection (2008) and it fell apart from there because of porous pavement.

Mr. O'Brien asked about the 2004 plan (cupola); he asked how far that plan went. Mr. Coronati said it made it through the State level. It was approved by the Conservation Commission. That is a different plan—dramatically different.

Mr. St. Pierre asked about the elevation and slab foundation. Mr. Schultz stated it is base flood elevation plus one foot.

Mr. O'Brien discussed waivers. He asked the applicant to go through the calculation. This deals with uplands versus wetlands. Mr. O'Brien wants to know how much relief the applicant is asking for. Buffers count in the uplands. There are about 6,000 square feet of wetlands out of 29,000. It is left with 23,000 square feet of uplands roughly. Mr. O'Brien said structures are shown in the buffer zone. That waiver will be needed from the Planning Board and the State also. They will go to the Conservation Commission also. They will need a special permit.

Comments from the Audience

Mr. Bob Perry of 23 Manchester Street appeared. He is an abutter. He thinks the plan looks nice and feels the lot will be improved. He is concerned (as are neighbors) about the site elevation of land. In the 80s, his land and the land behind him (vacant) was even. It's been filled in 18"-24". He wants provisions regarding retaining wall with fence (along side between land) and his land. His neighbor's yard floods out constantly. The dip in Keefe Avenue was discussed.

Mr. George Blake, 19 Manchester Street, appeared. He stated the setback is 6.7' against his house. Fire would have hardly anywhere to go. He asked how he can maintain his own house. He's right on the property line. Mr. O'Brien stated he would have to ask his neighbors for permission to go on their property.

Mr. Tom Santolucito, 21 Manchester Street appeared. He gets flooded all the time. When tide comes up, it's halfway up Manchester Street. Large rainstorms leave standing water constantly. He's 18"-24" lower than the project. He would like a 10' setback. He too would like a retaining wall to keep water back – at least 24" high. He would like to see the parking lot go.

Mr. Leo Perrin, 40 Mooring, appeared. He asked about the distance between the back of the house to the lot line. He owns 3' on the other side of the fence. Mr. O'Brien said 5.3 feet to the property line on the west side of the building. A new foundation was put in 2010.

Back to the Board

Mr. Vic Lessard stated he has not met the owners. Gravel has been hauled there in the past. He said people on Manchester Street are very nice. He likes the proposal. He asked if neighbors would help put retaining wall in.

Mr. St. Pierre's concerns are wetlands and conservation. Mr. O'Brien agrees that the applicants will need to go before the Planning Board. Water issues are in domain of the Planning Board.

Mr. St. Pierre asked about Town trash. It is condos, so the Town will not pick up. Mr. Vic Lessard said to be careful about trash. Mr. O'Brien said to Mr. Coronati to talk to people in Town. Jog-out between 1 and 2 is for truck turn-around. It should be marked - "no parking" - "Fire Lane". If this is a private road, it's owned out to the middle of the road. Attorney Saari said they all own to the center of road and there's an easement on everyone's documentation. Mr. O'Brien is satisfied since they don't have to deal with 2.3.4(b). -- regarding buffer as that is a Planning Board issue. Mr. Schultz said it has to be approved by the Selectmen since it's a private road. This has to be dealt with by the State also (for wetlands). Mr. Schultz said it is part of the statute. RSA 674:41. Releasing Town from liabilities will occur also per Mr. Schultz.

MOVED by Mr. V. Lessard and seconded by Mr. St. Pierre to grant Petition 40-12 for applicants go to the Planning Board and to the Conservation Commission.

Chairman O'Brien asked the Board if they felt all five criteria had been met. All members agreed that they had.

VOTE: 5 – 0 - 0

Motion passed unanimously

BUSINESS SESSION

Minutes of July 19th corrections need to be corrected. Bottom of Page 3 last paragraph.; Mr. V. Lessard asked for changes and he agrees with them now.

Moved by Mr. V. Lessard, seconded by Mr. McGuirk. So these are Amended Minutes.

VOTE: 5 – 0 - 0

Mr. St. Pierre wants to discuss his research on property at 13th Street and King's Highway. Minutes say Board needing more information. The previous time in 2009, they requested less, not more of same variances. Less on the 2009 case than 2011.

Adoption of Minutes

Minutes of August 16, 2012.

Mr. O'Brien made corrections. A universal change was made, i.e. "Attorney Bruton" should be corrected throughout the document. There is an "x"--Bruxton. Also, numbers 1, 2 3 and 4 are redundant with 5. Eliminate #4 and take #5 and renumber it as number 4 and add some words at the end. So that it reads "no demolition will be done until approved by the Planning Board if the site is to be approved as a parking lot."

Mr. V. Lessard asked about why that condition was put on as far as going to the Planning Board. Mr. Schultz stated the applicant cannot demolish the buildings for the parking lot until it goes before the Planning Board. Mr. St. Pierre said on Page 3, 7th paragraph, 2nd line – Wally's was spelled wrong. On Page 4, 2nd paragraph. He wonders about putting in parantheses (Lot 65) – with regard to placing restrictions.

MOVED by Mr. McGuirk to approve the Minutes and seconded by Mr. St. Pierre.

VOTE: 5 – 0 - 0

Motion passed unanimously

Mr. O'Brien received an unsigned, undated letter regarding 19 Boars Head Terrace. Mr. O'Brien drove up and around the property. He asked if they need variances for two trailers for that lot. Mr. St. Pierre stated "no". One is a camper. Mr. O'Brien looked at the wrong house. Mr. St. Pierre thinks we shouldn't give this much attention. He asked if it can be shared with the property owner as the owner is probably not aware of the issues. He thinks it's an enforcement matter. He doesn't want an enforcement issue brought into the neighborhood. Mr. O'Brien asked about a camper being parked on the road, in the RA Zone. You can't live in them, but you can park them there. They looked at 3.1.0 – prohibited. "Trailers" should be modified in the Zoning Regulations.

Mr. O'Brien received a letter from Henry Stonie. He is resigning from the Board. Mr. V. Lessard said we should send him a "thank you". The Board should address this next month.

MOVED by Mr. V. Lessard and seconded by Mr. McGuirk to adjourn the meeting at 10:00 p.m.

VOTE: 5 – 0 - 0

Motion passed unanimously

Respectfully submitted
Laurie Olivier, Secretary